

CHAPTER VIII

ANIMAL CONTROL

8-1 DEFINITIONS.

As used in this chapter:

Animal shall mean cat, dog, pet or other domestic animal.

Animal Control Authority shall mean any person or agency designated or certified by the Borough to enforce the provisions of this section.

Cat shall mean any member of the domestic feline species, male, female or altered.

Dog shall mean any dog, bitch or spayed bitch.

Dog of licensing age shall mean any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

Keeper shall mean any person exercising control over a dog or permitting a dog to remain on premises under his control.

Licensing authority shall mean the agency or department of the Borough or any designated representative thereof charged with administering the issuance or revocation of permits, licenses and/or registrations under the provisions of this section.

Owner of cat when applied to the proprietorship of an animal shall mean and include every person having a right of property in such cat and every person who has such cat in his or her keeping or knowingly permits a cat to remain on or about any premises occupied by that person.

Owner of dog when applied to the proprietorship of a dog shall mean and include every person having a right of property in such dog and every person who has such dog in his keeping.

Pet shop shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

Pound shall mean an establishment for the confinement of dogs seized either under the provisions of this section or otherwise.

Shelter shall mean any establishment where dogs are received, housed and distributed without charge.

Vicious dog shall mean any dog which has been declared by a Judge to be a vicious dog which has attacked or bitten any human being, or which habitually attacks other dogs or domestic animals.

(1969 Code § 7-1; Ord. No. 90-20 § 1; Ord. No. 2005-08 § I)

8-2 DOGS.

8-2.1 Licensing Provisions.

- a. *When Required.* Licenses shall be required for the following dogs of licensing age:
 1. Any dog owned or kept within the Borough by a resident of the Borough on January 1 of any calendar year.
 2. Any dog acquired by any person during the course of any calendar year and kept within the Borough for more than ten (10) days after acquisition.
 3. Any dog attaining licensing age during the course of the calendar year.

4. Any licensed dog brought into the Borough by any person and kept within the Borough for more than ten (10) days.
 5. Any dog licensed by another State brought into the Borough by any person and kept within the Borough for more than ninety (90) days.
- b. *Application for License.*
1. Each application for a license under this section shall give the following information:
 - (a) A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a long or short haired variety.
 - (b) Name, street and post office address of the owner of, and the person who shall keep or harbor such dog.
 2. Registration numbers shall be issued in the order in which applications are received.
 3. Applications for licenses for dogs which are required to be licensed by the provisions of paragraph a,1 shall be made before February 1 of each calendar year. In all other cases the application for a license shall be made within ten (10) days of the day upon which the dog in question first becomes subject to the provisions of this section.
- c. The person applying for a license shall pay a fee of three (\$3.00) dollars for each dog. He shall also pay one (\$1.00) dollar for the registration tag for each dog. The same fees shall be charged for the annual renewal of each license and registration tag.

In addition to the annual dog license fee, the person applying for a license shall pay a fee of twenty (\$0.20) cents for the State "Pilot Clinic Fund" and this amount

shall be remitted to the Community Health Services, Department of Health, State of New Jersey. For all dogs that are licensed and are of a reproductive age which have not had their reproductive capacity permanently altered through sterilization, the person applying for the license shall pay an additional sum of three (\$3.00) dollars and this amount shall be designated for the "Animal Population Control Fund" and remitted to the Community Health Services, Department of Health, State of New Jersey.

- d. *Expiration Date.* Each dog license and registration tag shall expire on January 31 of the calendar year following the calendar year in which it was issued.
- e. *Wearing of Registration Tag.* All dogs required by the provisions of this section to be licensed shall wear a collar or harness with the registration tag for such dog securely fastened thereto.
- f. *Use of Registration Tags.* No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.
- g. *License Record.* The information on all applications under this section and the registration number issued to each licensed dog shall be preserved for a period of three (3) years by the Municipal Clerk. In addition, he shall forward similar information to the State Department of Health each month on forms furnished by that Department.
- h. *Exceptions.* The provisions of this subsection shall not apply to the Borough Canine Corporation. Dogs used as guides for blind persons and commonly known as "seeing eye dogs" shall be licensed in the same manner as other dogs, except that the owner or keeper shall not be required to pay any fee.
(1969 Code §§ 7-2, 7-7.1, 7-7.2)

8-2.2 Regulations. No person shall own, keep or harbor a dog in the Borough except in compliance with the provisions of this section and the following regulations:

- a. *Interference with Official Duties.* No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this section.
- b. *Disturbing the Peace.* No person shall allow a dog to bark continuously or for an extended period of time in a manner that annoys the neighbors and disturbs the peace and tranquility of the neighborhood.
- c. *Running-at-Large.* No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets or in any public park, public building or other public place within the Borough. The owner of any dog found running at large shall be fined a minimum of fifteen (\$15.00) dollars per each offense.
- d. *Leashing of Dogs.* No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Borough unless such dog is accompanied by a person over the age of twelve (12) years and is securely confined and controlled by an adequate leash not more than six (6') feet long.
- e. *Property Damage.* No person owning, keeping or harboring a dog shall permit or suffer it to do any injury, or to do any damage to any lawn, shrubbery, flowers, grounds or property.

Further, no person owning, harboring, keeping, walking or in charge of any animal shall cause, suffer, permit or allow such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, street, sidewalk, passageway, road bypass, play area, park or any place where people congregate or walk or upon any boardwalk, beaches, or beach front in this Borough, or upon any public property whatsoever, or upon any

private property without the permission of the owner of the private property in the last instance. If any such person shall permit such animal to soil, defile, defecate on or commit any nuisance on the areas aforesaid, he shall immediately remove all feces and droppings deposited by such animal, which removal shall be in a sanitary manner by a shovel, container, disposal bag, and the feces and droppings shall be removed by the person from the aforesaid designated areas, and disposed of by the person in a sanitary manner.

(1969 Code § 7-7; Ord. No. 73-5; Ord. No. 74-8; Ord. No. 04-07 § I; Ord. No. 2005-08 § II)

8-2.3 Impounding and Destruction of Certain Dogs.

- a. *Causes for Impounding.* The Dog Warden shall take into custody and impound or cause to be taken into custody and impounded, any of the following dogs:
1. Any unlicensed dog running at large in violation of the provisions of this section.
 2. Any dog off the premises of the owner of or the person keeping or harboring such dog which the poundmaster or his agent has reason to believe is a stray dog.
 3. Any dog off the premises of the owner of or the person keeping or harboring the dog without a current registration tag on its collar.
 4. Any female dog in season off the premises of the owner of or the person keeping or harboring such dog.
 5. Any dog which has been determined to be a vicious dog as provided in Section 8-1 provided that such dog may also be seized by any Police Officer, and provided further that if such dogs cannot be seized with safety, they may be killed.

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- b. *Access to Premises.* Any officer or agent authorized or empowered to perform any duty under this section is hereby authorized to go upon any premises to seize for

impounding any dog which he may lawfully seize and impound when such officer is in immediate pursuit of such dog, except upon the premises of the owner of the dog if the owner is present and forbids same.

- c. *Notice of Seizure.* If any dog so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person or the owner of, or the person keeping or harboring the dog is known, the Dog Warden shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven (7) days after the service of the notice.

A notice under this subsection may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last-known place of abode or at the address given on the collar, or by forwarding it by mail in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

- d. *Disposition of Unclaimed Dogs.* The Dog Warden is authorized and empowered to cause the destruction of any unclaimed dog, in as humane a manner as possible, under any of the following contingencies:
1. When any dog so seized has not been claimed by the person owning, keeping or harboring such dog within seven (7) days after notice or within seven (7) days of the dog's detention when notice has not been or cannot be given, as set forth in the previous paragraph.
 2. If the person owning, keeping or harboring any dog so seized has not claimed the dog and has not paid all expenses incurred by reason of its detention, including maintenance, not to exceed

three dollars and fifty (\$3.50) cents for the first day, and one (\$1.00) dollar per day for each additional day.

3. If the seized dog is unlicensed at the time of its seizure and the person owning, keeping or harboring such dog has not produced a license and registration tag as provided in this section.
(1969 Code § 7-6)

8-2.4 Vicious Dogs.

- a. *Complaint; Investigation; Report.* It shall be the duty of the Police Department to receive and investigate complaints against dogs. If they deem any dog complained of to be a vicious dog, as defined in Section 8-1, they shall report their findings in writing to the Municipal Judge.
- b. *Notice; Hearing.* The Municipal Judge shall notify in writing the owner or keeper of an allegedly vicious dog that a complaint has been made and require such person to appear before him at a stated time and place for a hearing. The Judge shall conduct the hearing in the same manner as he would conduct the trial of a criminal case. If the judge decides that the dog complained of is a vicious dog, he shall so notify the owner or keeper of the dog.
- c. *Control of Vicious Dogs.* No person owning or keeping a dog which has been determined to be a vicious dog shall permit such dog to be off the property of the owner or keeper without being securely muzzled.
(1969 Code § 7-5)

8-2.5 Disposition of Fees. License fees and other monies collected or received under the provisions of this section, except the registration tag fees, shall be forwarded to the Borough Treasurer within forty-eight (48) hours after collection or receipt, and shall be placed in a special account

separate from any of the other accounts of the Borough and shall be used for the following purposes only: collecting, keeping and disposing of dogs liable to seizure under this section; local prevention and control of rabies; providing anti-rabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; all other purposes prescribed by the statutes of New Jersey governing this subject, and for administering the provisions of this section. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this subsection. At the end of the third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two (2) fiscal years next preceding.

The registration tag fee of one (\$1.00) dollar for each dog shall be forwarded within thirty (30) days after collection by the Treasurer to the State Department of Health. (Ord. No. 81-9)

8-2.6 Dog Canvass. The Dog Warden shall annually cause a canvass to be made of all dogs owned, kept or harbored within the Borough and shall report to the Clerk, the Borough Board of Health and to the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs, the number of licensed dogs owned, kept or harbored by each person, together with the registration number of each dog; the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each unlicensed dog. (1969 Code § 7-4)

8-2.7 Enforcement. The Borough Council shall have the power to appoint a Dog Warden whose duty it shall be to enforce the provisions of this section. The Borough Council

shall also have the power to appoint one (1) or more persons, to be known as dog catchers, who may impound unlicensed dogs running at large in violation of the provisions of this section. (1969 Code § 7-8)

8-2.8 Penalty. Any person who shall violate any provision of this section, upon conviction thereof, shall forfeit and pay a fine of not less than five (\$5.00) dollars for each and every offense, except that for the first offense of failure to secure a license, the penalty shall be not less than one (\$1.00) dollar and not more than fifty (\$50.00) dollars. (1969 Code § 7-9)

8-3 CATS.

8-3.1 Registration.

- a. Any person who shall own, keep, harbor or maintain an animal of registering age shall annually apply and procure from the Borough Clerk a registration for each animal owned, kept, harbored or maintained.
- b. The owner of any newly acquired animal of registration age, or of any animal which attains registration age, shall make application for a registration for each animal within ten (10) days after such acquisition or age attainment. This requirement shall not apply to a nonresident keeping an animal within the Borough for not longer than ninety (90) days.
- c. Any person who shall bring, or cause to be brought into the Borough, any animal registered or licensed in another state for the current year, and bearing registration or license and shall keep the same or permit the same to be kept within the Borough for a period of more than ninety (90) days shall immediately apply for a registration for such animal.

- d. Any person who shall bring or cause to be brought into the Borough an unlicensed animal and shall keep same or permit same to be kept within the Borough for a period of more than ten (10) days shall immediately apply for a registration for each such animal.
(Ord. No. 90-20 § 1)

8-3.2 Application; Contents. The application for license shall state the breed, sex, age, color and markings for the animal for which registration is sought and whether it is of long or short haired variety; also the name, street and post office address of the owner(s) or the person(s) who shall keep or harbor such animal. (Ord. No. 90-20 § 1)

8-3.3 Registration Forms. Registration forms furnished by the Borough shall be numbered serially and shall bear the year of issuance and the name "Borough of Surf City." The forms shall be in three (3) parts for distribution as follows:

- a. Licensing authority.
- b. Police Department.
- c. Registration applicant.
(Ord. No. 90-20 § 1)

8-3.4 Registration Fee Schedule.

- a. A registration shall be permitted after compliance with the requirements of this section and payment of a one (\$1.00) dollar registration fee per animal.
- b. Only one (1) registration shall be required in the licensing year for any animal in the Borough.
- c. The fee for the renewal of a registration shall be the same as for the original registration.
(Ord. No. 90-20 § 1)

8-3.5 Registration Expiration. Registrations shall expire on December 31 of each calendar year and shall be

renewed before February 1 of each calendar year. (Ord. No. 90-20 § 1)

8-3.6 Rabies Vaccination Requirement. The Borough Clerk shall not grant any registration for any animal unless the owner thereof provides evidence that the animal to be registered has been inoculated with a rabies vaccine of the type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services or has been certified exempt as provided by subsection 8-2.11 of this section. The rabies inoculation shall be administered only by a licensed veterinarian. (Ord. No. 90-20 § 1)

8-3.7 Proof of Registration. Proof of registration shall be produced by any person owning, keeping, maintaining or harboring an animal, upon request of any Health Official, Police Officer, Animal Control Officer or other such authorized person. (Ord. No. 90-20 § 1)

8-3.8 Vaccination Requirements. No person shall own, keep, harbor or maintain any animal over seven (7) months of age within the Borough unless such animal is vaccinated and registered. (Ord. No. 90-20 § 1)

8-3.9 Vaccination. All animals shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization", published by the National Association of Public Health Veterinarians except as provided for in subsection 4. (Ord. No. 90-20 § 1)

8-3.10 Vaccination Certificate. A certificate of vaccination shall be issued to the owner of each animal so vaccinated by a licensed veterinarian. (Ord. No. 90-20 § 1)

8-3.11 Exceptions. Any animal may be exempted from the requirements of such vaccination for a specified period of time by the local Board of Health upon presentation of a veterinarian certification stating that because of an infirmity or other physical condition, or regime of therapy, the inoculation of such animal shall be deemed inadvisable. (Ord. No. 90-20 § 1)

8-3.12 Regulations. No person shall own, keep or harbor a cat in the Borough except in compliance with the provisions of this section and the following regulations.

- a. *Interference With Official Duties.* No person shall hinder, molest or interfere with anyone authorized, or empowered to perform any duty under this section.
- b. *Property Damage.* No person owning, keeping or harboring a cat shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property.
(Ord. No. 90-20 § 1)

8-3.13 Impounding and Destruction of Certain Cats.

- a. *Cause for Impounding.* The Animal Control Officer or other such authorized person shall take into custody and impound or cause to be taken into custody and impounded, any of the following cats:
 1. Any cat off the premises of the owner or the person keeping or harboring such cat which is believed to be a stray.
 2. Any cat which has been determined to be a vicious cat.
- b. *Access to Premises.* Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any cat which they may lawfully seize and impound when such officer is in immediate

pursuit of such cat, except upon the premises of the owner of the cat if the owner is present and forbids same.

- c. *Notice of Seizure.* If any cat so impounded wears identification having inscribed thereon or attached thereto the name and address of any such person or the owner, or the person keeping or harboring the cat is known, the Animal Control Officer shall immediately serve on the person whose address is given or to the person owning, harboring or keeping the cat, a notice in writing stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven (7) days after the service of the notice.

A notice under this subsection may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode, or at the address given on the collar; or, by forwarding it by mail in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

- d. *Disposition of Unclaimed Cats.* The Animal Control Officer is authorized and empowered to cause the destruction of any unclaimed cat, in as humane a manner as possible, under the following contingencies:
 - 1. When any cat so seized has not been claimed by the person owning, keeping or harboring such cat within seven (7) days after notice or within seven (7) days of the cat's detention when notice has not been or cannot be given, as set forth in the previous subsection.
(Ord. No. 90-20 § 1)

8-3.14 Disposition of Fees. Registration fee and other monies collected or received under the provisions of this section shall be forwarded to the Borough Treasurer within

forty-eight (48) hours after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Borough which is currently designated as the Dog License Account and shall be used for the purpose as designated in subsection 8-1.6 of the Revised General Ordinances of the Borough of Surf City and shall include cats. (Ord. No. 90-20 § 1)

8-3.15 Enforcement. The Borough Council shall have the power to appoint an Animal Control Officer or any other such person or persons, whose duty it shall be to enforce the provisions of this section. (Ord. No. 90-20 § 1)

8-3.16 Penalty. Any person who shall violate any provision of this section, upon conviction thereof, shall forfeit and pay a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each and every offense. (Ord. No. 90-20 § 1)